

1995, and for other purposes," requested a conference with the House on the disagreeing votes of the two Houses thereon, and appointed Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND, to be the conferees on the part of the Senate.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243) "An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes."

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4506) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes."

The message also announced that the Senate agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 2, 4, 8, 28, 48, and 49, to the above-entitled bill.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, reappointed William C. Hiss of Maine, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1994.

¶96.10 ADJOURNMENT OVER

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, August 16, 1994.

¶96.11 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That business in order for consideration on Wednesday, August 17, 1994, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

¶96.12 NORTHERN GREAT PLAINS RURAL DEVELOPMENT

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill of the Senate (S. 2099) to establish the Northern Great Plains Rural Development Commission, and for other purposes.

When said bill was considered and read twice.

The bill was ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶96.13 PLANT VARIETY PROTECTION

On motion of Mr. DE LA GARZA, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2927) to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Agriculture, was then agreed to:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) References to Plant Variety Protection Act.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conform to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(b) METHODS.—An essentially derived variety may be obtained by the selection of a

natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expressions of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of a at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NON-REPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.